

**REMARKS**

This Amendment is submitted in response to the official action dated February 9, 2009. Claims 1-11, 49-63, 87-92, and 94-96 were pending in the application. In the official action, claims 1-11, 49-63, 87-92, and 94-96 were rejected. In this Amendment, claims 1, 11, 49, and 92 have been amended. Claims 1-11, 49-63, and 87-92, and 94-96 thus remain for consideration.

Applicants submit that claims 1-11, 49-63, 87-92, and 94-96 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

**§102 Rejections**

Claims 1-11, 49-63, 87-92, and 94-96 were rejected under 35 U.S.C. §102(b) as being anticipated by Daggar (U.S. Patent No. 5,748,737).

Applicants submit that independent claims 1, 11, and 49 are patentable over Daggar.

Applicants' invention as recited in claims 1, 11, and 49 is directed toward a data reproducing apparatus and a data reproducing method. Each of claims recites that "[a memory stores] at least one of information concerning a number of occurrences in which [] contents is reproduced and information concerning an amount of time during which said contents is reproduced," and that "said information concerning a number of occurrences in which said contents is reproduced and/or said information concerning an amount of time during which said contents is reproduced being updated upon reproduction of contents." Supporting disclosure for the quoted recitation can be found in the specification at, for example, page 17, line 26 - page 18, line 14; and page 39, line 13 - page 41, line 10.

Daggar does not disclose the quoted recitation. Accordingly, Applicants believe that claims 1, 11, and 49 are patentable over Daggar on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicants believe that dependent claims 2-10, 50-63, 87-92, and 94-96 are patentable over Daggar for at least the same reasons as discussed in connection with the independent claims.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

By



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